HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 27973 of 2007

28.12.2007

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Between:

Chandra Reddy (died) as per L.Rs.
C. Veera Reddy & others

… Petitioners

AND

The Land Acquisition Officer-cum-
Revenue Divisional Officer, Vikarabad.

… Respondent

Counsel for the petitioners : Sri N. Vasudeva Reddy

Counsel for the respondent : Assistant Government
Pleader for Land Acquisition

O R D E R:

This writ petition is filed for a writ of mandamus to direct the respondent to dispose of application dated 24.08.2006 of the petitioner filed under Section 28-A of the Land Acquisition Act, 1894 (for short, 'the Act') for re-determination of market value in terms of award dated 27.02.2006 in O.P. No. 4 of 2001 on the file of Senior Civil Judge, Vikarabad.

In the affidavit filed in support of the writ petition, the petitioner pleaded that extents of Ac.6.16 guntas and Ac.1.14 guntas of land owned by him in Survey Nos. 429 and 430 respectively of Tarigapula Village, Dharur Mandal, Ranga Reddy District were acquired under notification dated 15.05.1996 issued under Section 4(1) and declaration issued under Section 6 of the Act. One of the land owners whose land was also acquired under the same notification sought for reference under Section 18 of the Act and the respondent referred the same to the civil Court which was registered as O.P.No.4 of 2001 on the file of Senior Civil Judge, Vikarabad. The petitioner further pleaded that the said O.P. was disposed of on 27.02.2006 by partially enhancing the compensation. The petitioner claimed that he made copy application on 01.03.2006 and that copy of the award of the civil Court was made available to him on 21.08.2006. The petitioner further claimed that he filed an application on 24.08.2006 under Section 28-A of the Act for re-determination of the compensation. According to the petitioner, the same was acknowledged by the respondent on the very same date, namely; 24.08.2006.

Heard Sri N. Vasudeva Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for Land Acquisition.

As the prayer made by the petitioner in this writ petition is

innocuous, I deem it appropriate to dispose of the same at the admission stage. As already noted, the only grievance of the petitioner is that his application dated 24.08.2006 made for re-determination of compensation, under Section 28-A of the Act, in terms of the above-mentioned O.P. is not being disposed of by the respondent.

Section 28-A of the Act vests valuable right in the owner of land acquired, but who failed to seek reference under Section 18 for re-determination of compensation on par with the compensation fixed in respect of other lands for which civil Court enhanced compensation under Section 18. Therefore, such a valuable right is required to be protected by the respondent by acting with promptitude. If a person seeks re-determination within the time limit specified in Section 28-A and if he is able to show that his land is also covered by the same notification, it is the bounden duty of the respondent to consider the application for re-determination and dispose of the same.

The respondent is, therefore, directed to consider the application of the petitioner and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No. 36577 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

28.12.2007
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